IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

Appeal Against Order No.150 of 2007.

[Ramesh S/o Gulabrao Meshram]

Vs.

[Kaushalyabai w/o Dhanraj Tikamkar]

Office Notes, Office Memoranda of Coram,appearances,Court's orders or directions and Registrar's orders.	**Court's or Judge's orders**

Shri D. N. Dani, Advocate for the appellant.

Coram: A. H. JOSHI, J.
Dated: 17th DECEMBER 2007.

1. The plaintiff's prayer for temporary injunction has been rejected by the Trial Court by order dated 16-11-2007. This order has been challenged in the present appeal.

2. The suit is for specific performance. The defendant denied the transaction to be by way of sale. He also alleged that the defendant does not have exclusive right to sell the property since it is undivided.

3. The Trial Court found that considering the total acrage, and the paltry amount of earnest amount and the fact that defendant does not have absolute right to sell the suit property found that the plaintiff does not have prima facie good case as well as that the aspect of balance of convenience do not favour the plaintiff.

4. This order is challenged on the ground that the injunction ought to have been granted in favour of the plaintiff, and urging that the view taken by the Trial Court is erroneous.

5. This Court has considered the submissions and perused the record of the appeal. The conclusions arrived at by the Trial Court are legal and proper as those are not shown to be contrary to the record.

6. Moreover, just because second opinion of the matter could be drawn, no interference is called for.

7. Appeal has no merit, it is therefore, dismissed.

JUDGE

Sbm